# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (Our Case No. 14364US03)

In the Application of:			ELECTRONIC FILING DATE:
	Joseph J. Kubler, et al.	)	April 17, 2007
Serial No.:	10/701,865	)	
Filed:	November 5, 2003	)	
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Examiner:	MOORE, Ian N.	)	
Group Art Un	it: 2616	,	

Confirmation No. 7803

## SECOND TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT AFTER APPLICATION FILING DATE

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Enclosed are the following:

- \* PTO Form PTO/SB/08a (in duplicate)
- \* PTO Form PTO/SB/08b (in duplicate)
- \* A copy of Non Patent Literature Document as listed on PTO Form PTO/SB/08b

#### FEE DETERMINATION

\* No fee is believed to be due because:

The applicants believe that this statement and enclosures are being filed before the mailing of a first Office Action by the PTO after the filing of a request for continued examination under 37 C.F.R. §1.114.

#### **FEE PAYMENT**

Although no fee is thought to be due with this submission, the Commissioner is hereby authorized to charge any additional fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

### REQUEST FOR CONSIDERATION

This paper and the enclosures are believed to be entitled to consideration under 37 C.F.R. § 1.97(b)(4), based on the facts stated above.

The references listed on the enclosed PTO/SB/08-A and B forms were previously submitted to the Office on October 16, 2006, but were received by the Office after the mailing of the final Office action mailed on October 17, 2006.

This submission is in no way intended as an admission that the cited references constitute prior art under any subsection of 35 U.S.C. § 102 or §103. Applicant expressly retains the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

The Examiner is requested to initial a copy of the attached PTO form PTO/SB/08 and return one copy to the applicants to indicate consideration of the cited references.

Respectfully submitted,

12 - 5 -

Date: April 17, 2007

Kevin E. Borg Reg. No. 51,486

McAndrews, Held & Malloy 500 West Madison Street, Suite 3400 Chicago, Illinois 60661 (312) 775-8000 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute	e for form 1449A/PTC	)		Complete if Known		
			Application Number	10/701,865		
INFC	RMATION	DIS	CLOSURE	Filing Date	November 5, 2003	
STA	STATEMENT BY APPLICANT		First Named Inventor	Joseph J. Kubler		
				Art Unit	2616	
	(Use as many she	eets as	necessary)	Examiner Name	MOORE, Ian N.	
Sheet	1	of	2	Attorney Docket Number	14364US03	

			U.S. PATENT D	OCUMENTS	
Examiner Initials *	Cite No.1	Document Number  Number - Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		6,850,510	February, 2005	Kubler et al.	
		5,506,847	April, 1996	Shobatake	
	1	5,650,994	July, 1997	Daley	
		5,745,556	April, 1998	Ronen	
		5,842,224	November, 1998	Fenner	
	1	6,108,704	August, 2000	Hutton et al.	
	1	6,131,121	October, 2000	Mattaway et al.	
	ļ ——	6,389,010	May, 2002	Kubler et al.	
	1	5,818,836	October, 1998	DuVal	
		5,850,385	October, 1998	Esaki	
	1	5,737,395	April, 1998	Irribarren	
		5,608,786	March, 1997	Gordon	
	1	5,726,984	March, 1998	Kubler et al.	
	1	4,789,983	December, 1988	Acampora et al.	
		5,359,598	October, 1994	Steagall et al.	
	1	5,434,858	July, 1995	Focarile et al.	
	1	5,446,736	August, 1995	Gleeson et al.	
		4,837,858	June, 1989	Ablay et al.	
	1	5,425,051	June, 1995	Mahany et al.	
		5,295,154	March, 1994	Meier et al.	
	1	4,538,259	August, 1985	Moore et al.	
		5,142,534	August, 1992	Simpson et al.	

	FOREIGN PATENT DOCUMENTS						
Fuerines	Cite	Foreign Patent Document	Publication	Name of Patentee or	Pages, Columns, Lines, Where Relevant	-	
Examiner Initials*	No.1	Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> ( <i>if known</i> )	Date MM-DD-YYYY	Applicant of Cited Document	Passages or Relevant Figures Appear	Τ <sup>6</sup>	

		y <del></del>
Examiner Signature	Date Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute	e for form 1449	B/PTO			Complete if Known	
				Application Number	10/701,865	
			CLOSURE	· Filing Date	November 5, 2003	
STA	STATEMENT BY APPLICANT			First Named Inventor	Joseph J. Kubler	
				Art Unit	2616	
	(Use as ma	ny sheets as	necessary)	Examiner Name	MOORE, Ian N.	
Sheet	2	of	2	Attorney Docket Number	14364US03	

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T 2
		Black, Uyless, ATM Volume I, Prentice Hall, 1995, PP: 244-245	

1	Examiner	Date		
	Signature	Considered	<u> </u>	

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Sheet

Attorney Docket Number

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	Application Number	10/701,865		
INFORMATION DISCLOSURE	Filing Date	November 5, 2003		
STATEMENT BY APPLICANT	First Named Inventor	Joseph J. Kubler		
01/(122	Art Unit	2616		
(Use as many sheets as necessary)	Examiner Name	MOORE, Ian N.		
1-5 2	Attorney Docket Number	14364US03		
Sheet 2 of 2				

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Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volunumber(s), publisher, city and/or country where published.	e), title of me-issue T <sup>2</sup>
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